



OFFICIAL REPORT
AITHISG OIFIGEIL

Culture, Tourism, Europe and External Affairs Committee

Thursday 10 December 2020

Session 5



The Scottish Parliament
Pàrlamaid na h-Alba

Thursday 10 December 2020

CONTENTS

	Col.
INTERESTS.....	1
IMMIGRATION	2

CULTURE, TOURISM, EUROPE AND EXTERNAL AFFAIRS COMMITTEE
31st Meeting 2020, Session 5

CONVENER

*Joan McAlpine (South Scotland) (SNP)

DEPUTY CONVENER

*Claire Baker (Mid Scotland and Fife) (Lab)

COMMITTEE MEMBERS

*Kenneth Gibson (Cunninghame North) (SNP)

*Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP)

*Ross Greer (West Scotland) (Green)

*Dean Lockhart (Mid Scotland and Fife) (Con)

Oliver Mundell (Dumfriesshire) (Con)

*Stewart Stevenson (Banffshire and Buchan Coast) (SNP)

Beatrice Wishart (Shetland Islands) (LD)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Kevin Foster (Minister for Public Borders and Immigration)

Stuart Ison (UK Government)

Gordon Lindhurst (Lothian) (Con) (Committee Substitute)

Philippa Rouse (UK Government)

CLERK TO THE COMMITTEE

Stephen Herbert

LOCATION

Virtual Meeting

Scottish Parliament

Culture, Tourism, Europe and External Affairs Committee

Thursday 10 December 2020

[The Convener opened the meeting at 09:05]

Interests

The Convener (Joan McAlpine): Good morning and welcome, everyone, to the 31st meeting in 2020 of the Culture, Tourism, Europe and External Affairs Committee. We have received apologies this morning from Oliver Mundell MSP and Beatrice Wishart MSP. I welcome back to the committee Gordon Lindhurst MSP, as Oliver's substitute. Do you have any relevant interests to declare?

We seem to be experiencing technical difficulties, so I will suspend briefly until we resolve the issues.

09:06

Meeting suspended.

09:13

On resuming—

The Convener: Good morning and welcome again, everyone, to the 31st meeting in 2020 of the Culture, Tourism, Europe and External Affairs Committee. I apologise for our technical issues and late restart. We seem to be broadcasting okay now. Does Gordon Lindhurst have any relevant interests to declare?

Gordon Lindhurst (Lothian) (Con): My interests are set out in my entry in the register of members' interests, and I have nothing to declare beyond that.

The Convener: Thank you very much, Gordon.

Our first agenda item is an additional declaration of interests. I welcome Christine Grahame MSP, who replaces Annabelle Ewing MSP as a member of the committee. I take this opportunity to thank Annabelle Ewing for her very valuable and constructive contributions to the committee since she joined, in September 2018. I wish her well in the future.

I invite Christine Grahame to state whether she has any interests to declare.

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): I have no relevant interests to declare.

Immigration

09:15

The Convener: Our next agenda item is evidence on immigration. I welcome to the meeting Kevin Foster MP, the United Kingdom Government's Minister for Public Borders and Immigration. The minister is supported by officials from the Home Office: Stuart Ison, the director of transition; and Philippa Rouse, the director of the future border and immigration system directorate. I thank the minister and his officials for bearing with us as we worked through the technical difficulties.

Before I move to questions, I invite the minister to make a brief opening statement.

The Minister for Public Borders and Immigration (Kevin Foster): Thank you, convener. It is slightly reassuring to see that it is not just the Home Office that has technical issues with online meetings. I very much appreciate the invitation to discuss this topic with the committee. It is a pity that we cannot do it in person, but this is the next best thing. I want to make some brief opening remarks before we get into the questions.

This has been a hugely challenging year for us all. We will all have seen the start of the vaccination programme this week, which is a very positive sign for the future. During the pandemic, I believe that we have sent out a positive message globally by keeping our core migration routes open to applications, creating the health and care visa, launching the new student and skilled worker route, and seeing the European Union settlement scheme reach more than 4.2 million applications.

As we look to the future, a key part of the recovery of our economy is the introduction of a fair points-based immigration system that works in the interests of the whole of our union, from the Highlands to Cornwall and from Derry/Londonderry to Dover. The focus of the new system is on ensuring that talent from around the world can see the opportunities that this country offers and that it facilitates their coming to the UK to develop our economy and enrich our society, while ensuring that employers prioritise the investment in and training of domestic workers—not least those of our neighbours, including those who have made the UK their home during recent years and are facing an uncertain future or a need to find new employment due to the economic impacts of the pandemic.

We are determined to ensure that communities across Scotland see the benefits of our new approach, which seeks to reflect the variety of economic situations across Scotland, which reflect those across the wider United Kingdom. We have engaged extensively on the issues with

stakeholders across the UK, including throughout the Covid-19 pandemic, and we will continue to do so as the new system takes effect and as we review it in the future.

I look forward to outlining how several of the changes that we have made and are making to the UK system are in direct response to issues raised across Scotland, which also reflects similar feedback from other parts of the United Kingdom facing the same challenges or looking to provide the same opportunities.

In conclusion, the UK Government's priority is to improve the lives of our citizens and help businesses to thrive by ensuring that our migration system supports our shared objectives of delivering a higher-wage economy that invests in workers and ensures that key staff are offered the opportunities that they deserve by their employers, while ensuring that we can access flexibly and easily the skills and talents from across the world that our country needs.

Although I am hopeful that we will find a number of areas of agreement in this session, I suspect there will be one or two areas on which we may disagree—that is politics. However, our desired destination is the same: a successful Scotland that is a beacon for talent from across the world.

The Convener: Thank you very much for that opening statement, minister. As you know, the committee has had a long-running inquiry into migration issues and how they affect Scotland; we have also been looking at the negotiation of the future relationship between the EU and the UK Government. We have taken quite a bit of evidence from stakeholders and I want to ask you about the evidence that we have received from different business sectors relating to their concerns about the UK Government's approach to immigration. I will start by quoting Rod McKenzie of the Road Haulage Association, whom we heard from recently. He said:

"The UK logistics sector is heavily reliant on migrant labour, particularly from eastern Europe. All the signs are that the whole Brexit conundrum has put a lot of them off. A lot of them have gone to seek employment in Germany and elsewhere, so we are already seeing a big drop-off in migrant labour. It is estimated that, at any one point, the logistics sector is short of 50,000 drivers. In Scotland, that figure is around 10,000, we think. The number increases when we include warehousing and other subsidiary roles, which are again largely peopled by eastern European staff ... Our big worry is that the UK Government has not added logistics-related roles to the shortage occupation list. Agreed salary thresholds, which are clearly designed to appeal to certain workers—typically, university-educated or white-collar workers ... has simply not helped. We think that logistics and road haulage in Scotland will definitely suffer from a skills shortage post-Brexit. The only thing that is difficult to predict is just by how much."—[*Official Report, Culture, Tourism, Europe and External Affairs Committee*, 5 November 2020; c 11.]

Will you respond briefly to those points?

Kevin Foster: Clearly, there is positive net migration from the EU to the United Kingdom. We are seeing big numbers of applications to the EU settlement scheme, which suggests to us that people who have made the United Kingdom, and particularly Scotland, their home want to stay. We welcome that. By the end of September, we had received 214,700 applications to the EUSS from Scotland. We do not see any great evidence of people moving away. In fact, we are seeing evidence of much greater numbers of applications to the EUSS than many people predicted there would be when it was launched.

On the issues of the road haulage industry—that is partly where our priority comes from—many of those jobs are ones where we want employers first of all to focus on recruiting from the UK labour market, particularly given the worrying unemployment figures. Members will have looked at those figures for their own areas and constituencies, as well as those across Scotland, as we see the impact of the pandemic on the labour market.

A lot of the jobs in that sector can be trained for in a reasonable period. Again, we want to work with the industry to ensure that the first priority is to try to train people into roles and jobs that they could be doing. The idea that all of them are low paid is wrong; not all of them are.

We have said that we will continue to monitor and evaluate the situation, but there should very much be a focus on getting people back into work, training domestically, having skills policies and offering good and fair packages to key workers rather than seeing immigration as the first alternative.

The Convener: Rod McKenzie said that the sector is short of 50,000 drivers. That is a huge challenge to turn around. What will you do to address that?

Kevin Foster: Free movement is still running. It is partly about how we will address the issue through skills training. If the matter instantly becomes a question of immigration, that rather points to our need to ensure that we have training and job opportunities available. I know from talking to my colleagues in the Department for Work and Pensions that they are keen to encourage and get people into more skills training. I am sure that the Scottish Government will be looking to do the same in the devolved areas of skills and education. That should be our first priority.

We look at the unemployment statistics, and we quote the figure of 50,000. Just under 13,000 people in South Lanarkshire alone were on unemployment-related benefits in October.

Therefore, there are some real opportunities to focus on the domestic market.

We will review the situation in the future, but I think that we would all want employers in the first instance to make efforts to recruit and train skills domestically, turning to immigration only when they cannot genuinely recruit from the domestic market. The vast majority of adults could do logistical distribution jobs such as van driving, which do not involve specialist driving licences.

The Convener: I see. It is not just the Road Haulage Association. We have also taken evidence from Paul Sheerin from Scottish Engineering, who said:

“before coronavirus and aside from Brexit, the number 1 talking point in the industry was skills shortages. We have enjoyed the benefit of the free movement of people in that respect. Companies from the very north to the very south of Scotland have enjoyed a relatively high proportion of such workers, not just in the skilled and super-skilled roles but down through semi-skilled and operator roles ... If we add on top of that the additional administrative burden of trying to apply through a process to bring somebody in from a country from which there was previously free movement, we have another headache to add to a skills issue that has long been there in our sector. I underline the point that, although that process will be in place and there have been moves to simplify it, it is still an extra step and, for SMEs and the very smallest companies, it will be a step too far.”—*[Official Report, Culture, Tourism, Europe and External Affairs Committee, 5 November 2020; c 11-12.]*

Kevin Foster: First of all, the new skilled worker visa at school leaver level covers a much wider set of skills; it also broadens the skills that qualify. In the past, it was very academically focused at degree level, which inevitably pointed it in a particular direction. However, moving to regulated qualifications framework level 3 has broadened it out. We have also reformed the process by, for example, removing the resident labour market test and suspending the cap, which will remove about eight weeks from the process.

Of course, the rules apply globally. That means that you can recruit for roles that qualify across the whole world, so that has quite an advantage when trying to recruit more skilled workers. As we have said, we need to ensure that, as in other areas, there is a focus on skills training and that employers are focusing on those areas and on supporting people back into work. However, we certainly believe that giving people an opportunity to more easily recruit skilled engineers from across the entire world means that there are many opportunities for the engineering sector.

The Convener: Has the UK Government estimated the increase in costs to businesses in Scotland that have previously relied on European economic area nationals and which now need to obtain a sponsorship visa and sponsor a person through the immigration system?

Kevin Foster: We have published a detailed assessment of the impacts of the new skilled worker visa. Many employers who recruit at the higher end—for example, for those with engineering skills—were already sponsors under our existing system. That is rolling over, and they will get benefits from doing that. We have rolled over licences, we are not requiring people to renew them and we are dropping requirements such as the resident labour market test and the need to go through the panel each month for a restricted certificate of sponsorship. We accept that there are changes for those who have purely recruited from the EEA, and there will be an element of cost to that as well. However, our focus is on moving to a global system of migration to this country, and that is part of ensuring that the system can operate.

We are confident that it is a fair system that will allow the right balance to be struck. We have seen the evidence from the Migration Advisory Committee and have listened carefully in relation to who qualifies for visas, the drop in salary thresholds and the drop in settlement thresholds, which I was about to come on to, which have been quite significant.

We believe that, on balance, the new system will produce the right solution for employers. In exchange for their ability to access many more talents globally, we ask that it is now a single system.

The Convener: But you have not specifically estimated the increase in cost to businesses in Scotland from the short-term hit. You are confident that there will be skills training to fill the gap or people will be brought in from other countries, but clearly they think—

Kevin Foster: We are allowing people to recruit a range of skills on a global level that they could not recruit on a global level until we launched the skilled worker visa, a week ago. There is a large change in the ability to recruit, and the scope for recruitment globally is much greater now than it was under the previous skilled worker arrangements.

Yes, there will be a change for someone who recruited purely from the EEA for those with general working permission, but the next phase of our modernisation process is to simplify and modify the sponsorship process, which will deliver long-term advantages for many businesses in Scotland.

The Convener: I see. Thank you very much for that. We will move on to Claire Baker.

Claire Baker (Mid Scotland and Fife) (Lab): I have a couple of questions about pre-settled status and settled status, but first I will pick up on some of the issues that the convener raised.

We had the Migration Advisory Committee in front of us a while ago, and I think that we were all quite taken aback by the suggestion that parts of sectors such as agriculture and tourism, which are important to the Scottish economy, were dispensable—that if they were not able to find workers in Scotland and did not survive, that was not a huge loss. That kind of approach was of great concern to the committee. They are two sectors that are very important to the Scottish economy. The threshold for the skilled migration policy that the UK Government has introduced is too high for those sectors to be able to recruit the number of workers needed.

There are also the issues with Scotland's migration needs, which I am sure the minister is aware of. Many of us feel, and there is evidence to support this, that Scotland's migration needs are sharper than those of most other areas in the UK. We have a declining population. The immigration system that we currently have—free movement—has been really important to sectors in Scotland, to support our economy and increase our population levels. We have concerns that the proposed system does not really address the pressures in the Scottish economy.

09:30

Kevin Foster: I can certainly reassure the committee and the deputy convener that I do not view tourism as a dispensable industry. My constituency is about 40 per cent dependent on that industry, so I certainly would not endorse the idea that it is somehow dispensable. We should also not paint the picture that it is all about minimum-wage jobs. Far from it; there are many roles in the industry and some, such as chefs, are now in the RQF 3 and people will be able to recruit to those roles more generally.

I look forward to an era when tourism is recruiting again more widely. In recent times, we have seen that the impact on tourism and the hospitality industry across the United Kingdom, including in Scotland, has been strong and hard. There are positive signs of investment starting to return, which we welcome.

I come back to the point that, not unreasonably in the current circumstances, particularly given the worrying unemployment levels, we expect employers in tourism and hospitality to be looking to the domestic market for the more general skills that they need in a lot of jobs. We cannot allow the current situation to produce a lost generation in Scotland or in Torbay. Getting people into jobs, including in particular some that tourism and hospitality can potentially provide, is a starting place.

Secondly—

Claire Baker: Sorry, minister, but I want to respond to some of the points that you have made. You recognise that, in Scotland, we have areas, particularly rural areas, where the population levels are challenging. At the same time, those are the areas that people want to go to on holiday. There is a way to sustain employment in those areas. Scotland as a whole is affected, but there are particular areas that experience greater pressures. It is not always possible for a local workforce to be recruited because of significant population challenges, meaning that the demands of tourism in those areas cannot be met. There is a feeling in the Scottish Parliament that we should be looking at regional solutions in the immigration policy, because we have concerns that taking a one-size-fits-all approach does not reflect Scotland's needs.

Kevin Foster: It may be worth looking at some of the unemployment figures that have come out over the past couple of months. I wish that we were seeing changes and issues only in certain areas. You mention particular areas and regional policies, but there are similar pressures in other parts of the United Kingdom around being able to recruit into certain roles. If we do not address the underlying issues of why people have moved away from particular communities, what is to stop the next group of those who migrate to those communities moving elsewhere once they hit indefinite leave to remain? That is exactly what the previous generation did. We need to tackle underlying issues such as digital connectivity and make sure that there are well-paid opportunities in those areas. Otherwise, people will hit five years, get ILR and then move elsewhere, which does not resolve those issues and problems in the long term. In some ways, it can even cement the problems if people see that the only opportunities in the area are those being created on the basis—*[Inaudible.]*—and the attraction is to move elsewhere afterwards.

I do not share the view that that vision is particularly positive for those communities. That is why, for example, we have changed the settlement figure quite dramatically—we dropped it from the mid-£30,000s to the same as in the skilled worker route requirement. When people get a job and settle in a community, we want them to stay; we do not want them to feel that they should move to another part of the UK just to hit the salary figure for settlement.

There are new challenges, and if immigration was the magic bullet, it would be a simple solution that we could apply. However, it is not. Using migration to attract people to those areas produces exactly the same issues as would attracting jobseekers from the central belt or from any part of the UK. I think that we really need to look at that. If immigration is seen as the solution

to that problem, unfortunately you would be welcoming people in the front door as quickly as others were leaving out the back to head elsewhere once they got ILR or citizenship and, therefore, could work in any part of the UK.

Claire Baker: I have a final response to this discussion. I believe that we have so much pressure on our population in Scotland that, if we move people from the central belt up to the Highlands to fill tourism jobs, we will create shortages in the central belt in our care sector and in other sectors. We have a number of sectors that are under pressure, and I am not convinced that moving people around the country will solve that problem.

I want to ask about settled and pre-settled status—the issue has been brought to me by constituents. You said that this year has been different from other years; obviously, the pandemic has resulted in circumstances that we did not expect. Many EEA nationals who live in the UK have returned to their home country for reasons such as travel restrictions, family commitments or the job insecurity that has arisen as a result of the situation this year, and they are unable to return to Scotland before the end of December or even into the new year. I want to clarify the status of their applications. Can they apply from their home country, although their normal residence is the UK?

Kevin Foster: Yes.

Claire Baker: They can apply. Do you know whether that has happened?

Kevin Foster: People can apply online.

Claire Baker: I have heard reports that people are having problems doing that. However, it is helpful—

Kevin Foster: We urge people who experience problems to contact the settlement resolution centre or one of our grant-funded organisations. It is a completely online application for the vast majority of people. Most people find that, using their smartphone, it takes about 15 minutes. Someone can apply providing that they have residence in the UK prior to 31 December. The vast majority use their national insurance number as evidence, which we can cross-reference to their records of employment. As long as they have residence before 31 December, they qualify, and they can apply.

We are more than happy to look into individual cases if there are particular problems. The settlement resolution centre is available by phone seven days a week if people have particular problems, or they can contact our grant-funded organisations. There are a number of them in Scotland, including a fantastic one in Fife that I

visited—virtually, it has to be said—a couple of months ago.

Claire Baker: Even if they are not actually in the UK now but they have residency, they can apply from their home country.

Kevin Foster: If they have residency here—for example, if they have permanent residency—they can apply. Let me be clear. Someone who already has settled status and moves abroad can be out of the UK for up to five years—their status is still active. Some have asked what they need to do to continue the five years, and the answer is, literally, that they need to come into the UK. If people have settled status, they have up to five years to come back. If someone is making an application and their application is already in, and they qualify for permanent residence, we will process their application. It might be helpful to bring in Ms Rouse to talk about the more technical side of how we deal with the application process. I reassure people that if they are out of the UK temporarily over Christmas and so on, that makes no difference to their application.

Claire Baker: My question is about people who have not yet applied. I know that the UK and Scottish Governments have encouraged people to get their applications in early. There are still people who have not applied yet and, as you have said, the timescales run until June, so they have time to apply for settled or pre-settled status. However, they may work in the tourism sector, which has been shut down because of Covid, or there may have been a need for them to move home to look after family or for accommodation reasons. There are different reasons why people may have decided to go back to their home country for a period because of Covid. Can they apply from their home country if they do not have an occupation and have still to make an application?

Kevin Foster: It is impossible to go into every single scenario, but the principle is that if, for the sake of argument, someone has been working here for five years and has a national insurance number, we will have their national insurance records and they can apply using their NI number as their evidence of residence in the UK in real time. We will check the NI records and the contributions that they have paid, and we will check declared criminal convictions—that applies to only a very small percentage of EEA nationals—and the application will be processed. People can apply from abroad—[Inaudible.]

What we look for, of course, is evidence of residence in the UK, and, beyond 31 December, we will look for evidence of residence in the UK before the end of the transition period. However someone might have temporarily gone home to stay with family for the reasons that you touched

on. For example, their accommodation in the tourism industry might have been linked to the hotel that they worked in—we all saw the disgraceful scenes earlier this year when one hotel decided to close and literally put its staff out on to the street. If such a scenario is the reason why someone is temporarily at home with family, they should go on to the online system. For most people, it is an online application, but if they have any problems they should call the EU settlement resolution centre. If someone has temporarily left the UK—certainly, if they left in recent months—that should not impinge on their position.

Dean Lockhart (Mid Scotland and Fife) (Con):

Good morning, minister. Thank you for joining us this morning. I want to follow up on the discussions about the impact of the Covid pandemic. Official figures show that the pandemic could see unemployment across the UK rise towards 2.5 million or 2.6 million, unfortunately, with many young people entering the workforce facing the most adverse consequences. Given the significance of the impact, both in the short term and potentially in the medium term, how will that influence UK Government immigration policy in ensuring that young people have the very best chance of securing employment in very difficult circumstances?

Kevin Foster: Thank you for the question. We can already see some of the impact. There were just under 15,000 people claiming unemployment-related benefits in Fife at the end of October. That is a huge number and it is a real challenge. We cannot have a generation that is lost to the employment market. The migration policy is clear that we accept that there are certain skills that take time to train or are in short supply, or which employers want to be able to recruit globally. Many businesses operate globally and want to recruit globally, which brings us to the second part of our migration system. For jobs for which less training is needed and the skills are more general, the first focus should be on recruiting in the domestic market. In some ways, it is quite odd to pair up an argument that there will be large-scale unemployment with the idea that there will be a labour shortage and, therefore, we need to expand immigration—that is quite an odd economic argument to balance.

Our focus is that, alongside the support package that has been offered by the UK Government for things such as the job entry targeted support scheme to get people into work, we want employers to focus first on the domestic market, giving young people, particularly in Scotland, opportunities in sectors where they can get their foot on the employment ladder. However, immigration is still there for the skills and talents that may need longer training periods and which may be genuinely in short supply. That is where we

believe the focus should be. Immigration should support our strategy for the UK labour market, not provide an alternative to it.

Dean Lockhart: I put this question to the Scottish Government when the relevant minister appeared before us. I am assuming that the policy response is a holistic, whole-of-government response. In other words, your department is working with the Department for Education and Skills, the Department for Business, Energy and Industrial Strategy and other departments to make sure that immigration and the skills agenda are meeting the needs of the economy in this difficult time.

Kevin Foster: Absolutely. I have been quite keen for us to stop debating immigration as a completely separate concept—one day debating how we need to get people back into work and the next day debating how we should fill jobs and vacancies through immigration. We have to link them together. The employment minister in the Department for Work and Pensions and I find it quite interesting to compare notes on how some employers are very keen to get a meeting with me and yet are not quite so keen to get a meeting with her to talk about how they can look to the DWP in the first instance for support in recruiting domestically—[Inaudible.] I assume that I would find the same if I were talking to a counterpart in the Scottish Government.

For me, immigration should be there as the support where an employer cannot, not where they will not, get involved with training schemes, where they do not want to be part of the scheme to get people back to work, where they are not looking to offer apprenticeships, or, for some key workers, where they want an option to always pay the minimum wage rather than offer the type of package that those working in front-line roles deserve. That is where it needs to be considered as a joined-up part of an overall approach to the labour market in Scotland and the rest of the UK, rather than as something that we debate completely separately.

The UK Government has been clear that we expect an employer that is struggling to recruit to talk to the DWP, BEIS, the Scottish Government, the other devolved Administrations and the Home Office, not to say, “I am going straight to the Home Office”.

09:45

Dean Lockhart: We have heard evidence that immigration in some sectors and from some countries has dropped off in recent years. This might not be a question for you; it might be more of a financial question. To what extent is the impact of exchange rates relevant? With the

fluctuation of sterling, we have seen a depreciation in recent years. To what extent is it a factor in play in some people's decisions not to come to this country that, compared to their home currency, sterling is perhaps no longer such an attractive currency in which to be paid?

Kevin Foster: Inevitably, people who are thinking of moving across the world to take up jobs and opportunities will look at the value of the package that they will get. Almost certainly, they will compare that, as most of us would if we were thinking of migrating somewhere, to their local currency. That probably has had some effect, but we also need to look at the fact that just creating migration opportunities does not automatically mean that people will move. There will be an impact if there are strong and rewarding job opportunities in their own economy. For example, economies in eastern Europe have moved on and developed dramatically since the end of communism, 30 years ago. Some are becoming very strong. Wage rates are starting to rise in many of those countries and in some cases they are becoming comparable to what you expect to see in western Europe in a range of sectors.

Inevitably, those factors play out in people's decisions on whether they should migrate. People are looking at what the economic opportunity is for them: "What am I going to get? What lifestyle am I going to have?" I think that having a global system gives us great opportunities to sell Scotland as a great place to live in and relocate to, where people can live out their aspirations and dreams. However, people will look at a range of factors, including what bang they get for their buck—or pound, in this case.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): Good morning, minister. I want to talk about one particular industry first—my second question is on a slightly different topic.

Historically, my parliamentary constituency has had the second lowest level of unemployment in Scotland. With a bit of an issue in the oil industry, we now have the fifth lowest. One of our major industries is fishing, both catching, in which large numbers of Filipinos—approximately 500—are employed, and processing. There are 28 languages spoken in Peterhead academy and 24 languages spoken in Fraserburgh academy, which tells you something about the international character of the sector. Non-UK nationals make up about 70 per cent of the people who work in processing. About 50 per cent of those who come to our area want to bring their families in due course and settle permanently.

We have huge numbers of vacancies in our factories, not necessarily because of administrative difficulties, although that is how they are viewed by some, but perhaps more because of

the psychology of the UK no longer being a welcoming place for immigrants. The number of people employed in fish-processing factories exceeds the total unemployment register in the north-east of Scotland. I know that processors have made very substantial efforts right across the UK, particularly focusing on areas of high unemployment, to recruit people. What do you think a major fish-processing factory in the Broch should be doing, under the current rules, to fill the hundreds of vacancies that it has?

Kevin Foster: Thank you for the question and for an interesting example. I believe that the message that we are sending out via our new migration system—that we will judge people by their talent and skills, not by where their passport was issued—gives a very positive message about the view that the UK and Scotland takes on migration. It is positive to hear how many people have been welcomed to your own community. In particular, the change in the settlement figure from the mid-£30,000s down to the same as the skilled worker visa will enable more people to settle in Grampian.

On the fishing industry, your constituency includes Peterhead. I get very regular opportunities to speak with the constituency MP in the House of Commons about the fishing industry, and I have engaged directly with fish processors and those operating in the industry in your area. I accept that, traditionally, with the oil and gas industry, Aberdeen has had a very strong economic—[Inaudible.]—very welcome. As an aside, I note that there are concessions for that industry that are continuing in the new migration policy.

However, six out of 10 people in Aberdeenshire were still on unemployment-related benefits in October, which I know that you will be concerned about, as I am. In the first instance, we want to see the fish-processing industry offering opportunities, help and support in getting people back to work.

On bringing families over, partners who are over 18 have general rights to work in the United Kingdom, and, if someone arrives as a skilled worker with a partner who is over 18, the partner has a generic right to work in the UK: they are not tied to the sector or the job that the skilled worker is working in. We have our route opening up with settlement from Hong Kong, and I know from speaking to the MP for Banff and Buchan that the area is very much looking forward to welcoming many people. Grampian can make an amazing quality-of-life offer to those who will be moving from one of the most crowded cities in the world to relocate and take up roles.

A lot of jobs in the fish-processing industry are RQF 3 and above—[Inaudible.] We should not just

assume that they are all low-skilled, minimum-wage jobs; they are not. We need to break the image of the industry in some people's minds. These are not low-paid jobs. Having engaged with the catchers, I know that there are some very strong, good rewards in the fishing sector. There are some good opportunities, and we want more people in the sector, particularly as we are coming out of the common fisheries policy. I think that we can start a much stronger narrative about the future of fishing. Let us be honest that, for too long, the narrative domestically has been that, with the CFP, the industry has been in decline and is not one that perhaps people see a future in. I think that, now that we are coming out of the CFP, we can see the prospect of growth, a real future and opportunity in the industry. Our message is that we are very keen to support the industry.

Stewart Stevenson: Minister, I think that my esteemed colleague Mr Duguid, who is of a different political persuasion from me, would share an interest in seeing success. The catching sector has grown dramatically over the past 20 years and is doing much better financially than it has done before, but it is under threat, because there is no use landing 100 per cent more fish if there is no capacity to sell those fish in the traditional markets and there are fewer people working in the processing sector. Between them, we are talking about a £1.2 billion sector. However, not all of that lies in your ministerial responsibilities. I will move on to the other thing that I want to pursue, because I heard many warm words on the first one but I am not sure that I heard the solution.

You referenced the Highlands and other parts of the United Kingdom, recognising that there are diverse needs for employment and sourcing employees right across the islands. Recognising that Scotland has different needs, can you say how many Scottish officials are part of the team that has been working to formulate policy in this area?

Kevin Foster: The Home Office is a UK body, so we work across the UK and have major operations in Glasgow, which I have visited. Ultimately, policy formulation is done in the House of Commons, and we welcome the support of the members representing Scottish constituencies in that. I regularly meet my Scottish National Party colleague, who is very constructive—[*Inaudible.*]

Stewart Stevenson: When I was a minister, I represented the UK and, as a minister from the UK, on occasions attended and sat in the front chair at European Council meetings on behalf of the UK. In fisheries negotiations, our fisheries officials were part of the negotiating team, but, as we have dealt with Brexit in particular, none of the Scottish officials has been included in the teams on fishing despite the fact that they are recognised

internationally as the key experts. That does not sound like playing a team game. You are correct—and I accept—that, ultimately, the policy has to be set in London, but what have you done to draw in officials with expertise and understanding in employment and so on, so that they can make a contribution in the room—not simply by sending in a letter but in the room—and help you to develop a policy that reflects the diverse needs of all the parts of these islands and the four nations?

Kevin Foster: It might be worth Ms Rouse talking about the work that we have done in direct engagement with officials in the devolved Administrations and giving some of the input and feedback that we have had from them. It has been very welcome and very strong in helping us to form our policies.

Philippa Rouse (UK Government): Good morning, everyone. We have regular meetings with officials from all the four home nations and have very positive engagement with and input from those officials. As the minister highlighted at the beginning, of course we do not agree on everything, but we hear a lot directly from them. We also do a lot of work to get out and about to hear directly from Scottish businesses and organisations. We have a regular series of advisory groups that represent a wide range of organisations, such as the Confederation of British Industry Scotland, Scottish Chambers of Commerce, Scottish Enterprise, the Scottish Trades Union Congress and Universities Scotland, and we also get out and about and do specific events with Scottish groups. The minister did an event with NFU Scotland last week and has had events recently with the Convention of Scottish Local Authorities and the tech sector.

From a policy perspective, in designing the new policy for the future border and immigration system, I have always been very impressed with and grateful for the degree to which Scottish businesses lean in and come and talk to us and share their ideas and views on what the future system should look like. As the minister has highlighted, it is genuinely helping to shape the policy and shape our thinking on the system that we launched last week.

Stewart Stevenson: Finally—I think that this is my last issue, convener—could you give me specific examples of where Scottish input has changed the policy? I am not expecting the number of examples to be zero and I am not asking because I think that it will be zero—I genuinely want to hear.

Kevin Foster: Let me read through some things that have been a response to Scottish stakeholders—as well as, I must say, to feedback from across the rest of the UK. We reduced the settlement figure for a skilled worker, which under

the old system was in the mid-£30,000s, to the general threshold of £25,600. The median salary for Scotland is £16 higher than that and there is also no time limit on the route, so someone can work towards getting ILR. That was changed following the feedback that we got about the impact of the previous threshold in Scotland.

10:00

We have also allowed transfers into it—for example, of a skilled worker from the information and communications technology route. If someone working in an international company comes into Scotland, likes it and wants to stay more permanently, they do not have to leave the UK to apply for a skilled worker visa for a job that they are already doing.

From July 2021, the student post-study visa will be two years on completion of a graduate-level degree and three years on completion of a PhD. The Scottish Government asked for that and it was also the first request made by an SNP MP in an Opposition debate that the SNP called on immigration. That will be coming in in July 2021, and students studying at Scottish universities this year will qualify for it. If they are distance learning, provided that they are physically here in the UK by April, they will qualify. That is more relevant for those who are on one-year master's courses.

We have also removed the timing on the student route for postgraduates. That was something that was picked up by Scottish universities. Because of the four-year degree structure in Scotland, the route acted in a way that put pressure on people, particularly if they were looking to do a PhD afterwards, so it made more sense just to remove the time limit for postgraduates. That is of benefit in England, but it is particularly in response to the fact that the previous time limit under the old tier 4 route had much more of an impact on students going on to postgraduate study who had done a four-year Scottish degree, so we removed it.

We also simplified and made a range of changes to the student route. Again, we are very grateful for the involvement with that of universities such as the University of Glasgow and the University of Edinburgh. Although it is not so much a policy matter, there was some quite pointless bureaucracy. For example, my favourite—Ms Rouse will know the example that I am going to give—was academic technology approval scheme requirements for students from some of our closest allies. ATAS, for those not familiar with it, is a programme to stop people learning skills that could be used in the production of weapons of mass destruction. It is rather bizarre that we were asking students from New Zealand to get a certificate in those areas.

Another change that we made in response to requests from Scotland and across the UK, particularly in relation to English language teaching, was to allow short-term study for up to six months under the standard visitor route rather than requiring people to apply for a separate visa. I think that the previous limit was 20 or 30 days—it was not very generous. It required people who had arrived as non-visa nationals to mess around by, in theory, flying to Paris and back, and it was not really delivering. That change was a specific request.

We are changing the rather antiquated entry route through Ireland. We are going to allow, vetted paid engagement. That has a particular impact for people going to Northern Ireland, but it also has an impact for people coming from Ireland to Scotland. It relates to a non-visa national, for the sake of argument, who is in a band coming to perform a gig or an actor coming to perform a play for up to 28 days. Again, that helps on the cultural offer.

We reformed the global talent rules. In making the change on research products and accredited research, we were thinking, in particular, of the University of Glasgow team that is working between Malawi and Glasgow on malaria research. That removes some of the bureaucracy of having to keep count of how many days one researcher has spent in Malawi and how many they have spent in Glasgow. That change was again specifically reacting to a situation in Scotland.

We are also now starting down the path of the simplification and review of our family rules. That is something that the Scottish Government has called for and it is certainly something that we are looking at.

My final example is something new today for the committee. It is the permit-free festival system, which I think the Edinburgh International Festival has made some good points on. To be clear, the first thing that we are going to do is roll over this year's list to next year. I do not see any point in asking festivals to reapply this year, given the unique circumstances of what happened. The Home Office should have as mature a relationship with the Edinburgh International Festival as it does with the University of Edinburgh from an immigration point of view; it should be one in which we work in partnership to deliver one of the world's greatest cultural events and do not pretend each year that we might effectively cancel it if a form is not filled in correctly. That does not strike me as the sort of relationship that we should have. As we do with universities, we would like to retain the right to take action if there is flagrant abuse, but that is not an issue with the Edinburgh festival.

We are looking at how we take it to a multiyear process following next year.

I reassure any of the festivals that are on the permit-free festival list that we will be very flexible over the next year, if they can get their festival running. We want people to try to get their festival on if they can and not be worrying about the immigration assessment that might follow, because we want to move to a multiyear system. That is a direct response to stakeholders in Scotland. I understand that it is also something that the Scottish Government has discussed, but it is one that we particularly want to look at. Alongside that, we are looking at how paid permitted engagement under our visitor route can work slightly more effectively for the smaller festivals.

That is perhaps the big one that I can tell you about today. It is a new announcement that we were due to make, but I thought that it would be helpful to share it with the committee today, given that it relates directly to requests from Scotland.

The Convener: Thank you very much for that.

Ross Greer (West Scotland) (Green): Minister, I am presuming that we can agree that this year has shown us just how skilled essential care workers are, but eight in 10 UK care workers are EU citizens who, under the Government's new immigration system, would not be eligible to come here, largely because of the arbitrary salary threshold that you have set. In July, your Government announced that care workers would not be included in the fast-track visa scheme that you introduced and that only more senior roles such as team leader would be. The Royal College of Nursing said that your plans fall short of what is needed and will directly impact patient care. Having presumably gained a greater understanding of what care workers do over the course of this year, do you now accept that the RCN was right and that your plans need to change in relation to care workers?

Kevin Foster: You are right that we have certainly seen the value of care and our whole healthcare system over the past 10 months. That is certainly one of the reasons why we wanted to launch the health and care visa relatively quickly and we did so based on the existing skilled worker provisions to ensure that it was in place, rather than waiting for the new system and the new thresholds that will come in at school leaver level.

I will say, though, that, if anyone thinks that what we should reward our care workers with after their efforts this year is an immigration policy that ensures that their employers never need to pay them more than the minimum wage, I do not think that that is a particularly positive outlook for the care sector.

What we have said is that people with definitive skills, such as RQF 3 senior care assistants, will qualify under the new skilled worker system. We are about to confirm what in levels 3, 4 and 5 will qualify under the health and care visa. Until we have made certain assessments, I caveat what I say, but I can say that it is highly likely that senior care assistants will be included in that where they are coming to work for the national health service. We need to work on some details around social care. Where it is integrated, it is slightly more simple than where it is not, because we do purely private medicine differently. For example, a doctor coming purely to work in a high street clinic is not someone we include in the health and care visa, unless they are doing NHS work as well.

It is about making sure that our immigration policy sits alongside our other policies for health and social care. We return to the same points that we made a few minutes ago. The healthcare sector is a place where we could get many people back into work. We need to have a balance between ensuring that the skills that are a bit more difficult to train and are not so available can be accessed more simply through immigration and recruitment on a global basis, and ensuring that we are not using the migration system as an alternative to improving the terms and conditions of people who perform vital roles.

To give an example, even under our current migration rules for the non-EEA, something like 10,000 non-EEA nationals are working in health and social care in Scotland, having arrived under our existing migration rules, so we would expect that that number may grow, given that people will arrive, for example, as dependants of skilled workers and through the Hong Kong route and more people will qualify for skilled work roles. Those figures also include those in the higher-qualification areas.

Ross Greer: Your argument significantly rests on the idea that we should be improving conditions in the care sector. I absolutely agree that care workers are paid at an outrageously low level. You said that that should be married up with wider health and social care policy. If you want to raise those individuals' wages, why do you not do the easiest thing at your disposal, which is immediately raise the minimum wage above the poverty level that it is currently set at? That would raise the wages of a huge number of people who work in the care sector and would immediately lift hundreds of thousands of families out of poverty. If your goal is raising wages and improving conditions, why not do the easiest thing at your disposal and automatically raise the wages of the lowest-paid workers in society?

Kevin Foster: As I have said, the national living wage is not in my direct immigration brief.

However, we are certainly guided by what the Low Pay Commission advises. There is, of course, a sensitive balance in parts of the tourism, retail and other sectors at the moment. I think that we share the aspiration of seeing people having better and more rewarding packages when they are in work, but we probably have different ways of getting there.

I accept that, in the long run, we—certainly south of border, in England—need to have a discussion about the long-term funding of social care. In Scotland, that will be a devolved discussion and debate about exactly what the balances will be in the future.

We should look ahead and look at the demographic changes. I represent an area in which 9 per cent of the entire population in one ward are aged 86 or over. That means that we will see pressures and that we will need a strong care sector that has a strong local recruitment pattern.

When I came into the role, I found that, when I met some—though not all—in the care sector, the first phone call was to immigration all the time. I got silence when I said, “You would want to really value your staff. Can I just check that you do not want a route at the minimum wage?” That rather said to me that the challenge that we have is in ensuring that the role is seen as a valuable role. The chair of the Migration Advisory Committee was very clear in his evidence to the House of Commons Public Bill Committee on the Immigration and Social Security Co-ordination (EU Withdrawal) Bill that the people who gain from a special route for care workers, which people are arguing for, are employers, not the care workers themselves.

Ross Greer: It is not particularly credible for you to talk about paying people the minimum wage as if it is a problem when your Government will not raise the minimum wage. It is currently set at a poverty wage. It is not possible to work full time on the minimum wage and not live in poverty.

I want to go back to your answer to my first question.

Kevin Foster: The minimum wage is increasing in April, by the way.

Ross Greer: It is not increasing to the real living wage. You call it “the national living wage”; it is not the real living wage. It is impossible to work full time on that and live above the poverty line. That is a defined measurement, and you are simply not raising the wage to that level. You never have.

I want to go back to your answer to my first question. You mentioned the health and care worker visa and senior care assistants. They are not the overwhelming majority of people who work in social care. The overwhelming majority of

people who work in social care would not be covered by the health and care worker visa, the shortage occupation list or the skilled worker list. Have you done an impact assessment on what your policies will do to the workforce in the social care sector?

Kevin Foster: The overwhelming majority of people who work in social care will not be covered by the health and care worker visa because they are UK or Irish citizens. Similarly, those with EUSS status will not be covered by it, either. Non-EEA nationals in the roles that you have talked about, for example, would already be in work in routes that give them a generic right to work in the United Kingdom. There are routes there.

There might be a need to pay care workers slightly more to attract larger numbers of people into work. You and I might disagree on other things, but I think that we would agree that care workers getting a raise in their wages would not be a negative outcome. Ultimately, we will keep the system under review.

As part of the Immigration and Social Security Co-ordination (EU Withdrawal) Bill package, we have agreed that we will look to cover the whole of the UK with the assessment of the impacts for social care from ending free movement. We will have a global system that judges people by the talents and skills that they have to offer to the UK rather than, fundamentally, a two-tier system in which some people are judged by their passport in the first instance.

We will keep the sector under review, but, as the Minister for Public Borders and Immigration, I want to be clear that I will not reward care workers for the great work that they have done this year with an immigration system that helps their employers to always pay them the legal minimum. I do not think that that is a reward that many people across Scotland would wish to give them.

Ross Greer: I have a final question, convener.

The Convener: [*Inaudible.*]

Ross Greer: I am sorry. Do we not have time?

The Convener: I have to stop you, because we have the minister only until half past 10, and several other members—

Kevin Foster: Given the delay to the start of the meeting, I would be happy to continue until quarter to 11, to allow some extra questions from the committee.

The Convener: Thank you very much, minister. I appreciate that.

Has Ross Greer finished his line of questioning?

10:15

Ross Greer: In that case, I want other members to come in. If there is time at the end, it would be great to come back in. Let us move on and let other members in.

The Convener: Thank you very much.

Kenneth Gibson (Cunninghame North) (SNP): I will try to be quick.

The shortage occupation list was a feature of tier 2 general work. The Migration Advisory Committee said that there are differences between Scotland and the rest of the UK and that housing officers, nursery nurses and assistants, childminders and related occupations should be added to the Scotland-only SOL. However, the UK Government has decided not to do that. Will you explain why that is, given the necessity of attracting people to those sectors?

Incidentally, before you answer that question, I should say that there is a lot of talk about bringing UK citizens into jobs. That is understandable and desirable—we all want to see that—but it is clear that a lot of people do not want to do those jobs, regardless of the wages that are paid. There are also people for whom doing them is not appropriate for a variety of reasons; they may not have the skills, aptitude or attitude for them. It is not always simply the case that a migrant can be replaced by somebody local. That person might not be an appropriate person.

Will you respond to the question about the SOL?

Kevin Foster: I will briefly respond to that comment, and then come on to the SOL.

We should be careful in saying that people are unemployed at the moment because they do not have the attitude to do a job. That is why I talked about a balance in our system. We recognise that there are skills that cannot be given quickly—such as those for nursing, for the sake of argument. Nurses are very skilled and professional, and we need to be able to recruit them more generally. We have therefore broadened the skill level and the skills that are considered as part of the skilled worker visa. However, from looking at some of the numbers across the UK and in Scotland in particular, I do not think that many would agree with the idea that people are unemployed just because they do not want to do particular jobs.

Turning to the shortage occupation list, the vast majority of shortage occupations that the MAC assessed will be exactly the same across the whole of the UK. Chemical scientists in the nuclear industry, for example, are included for Scotland. We have not rejected what the MAC said; we are giving careful consideration to it. In particular, we are looking at things such as bricklaying. We have

seen evidence that the number of people training for those roles domestically is increasing quite significantly for reasons that I think we can both understand.

A couple of things will happen between now and April. First, free movement will run until 31 December, and we are still welcoming people from the European Union until the end of the year. Secondly, we are launching the Hong Kong British national (overseas) settlement route, which is one of the biggest settlement routes from outside Europe that we have launched in a very long time. We estimate that up to 5.4 million people could be eligible for that. It is quite hard to predict exactly what the numbers will be. The impact assessment says that anything between 20,000 and 100,000-odd people may arrive in the United Kingdom in the first year. We look forward to welcoming them, and I know that many members of the committee will look forward to welcoming many of them to Scotland in particular.

There is that impact plus where we are with the pandemic generally. We can now see the corner being turned with the vaccine. We need to look at where we are with the labour market in the early part of next year.

We felt that it was appropriate to look at those three situations and see the number of applications that we get under the new job codes. The occupations that would be on the shortage occupation list are pretty much already ones that people could apply for as a skilled worker. The difference is that a person does not get the discount on the salary rate that the SOL listing would provide.

We have not rejected the MAC's views. We are assessing and analysing them, and we look forward to making decisions on them in the early part of next year.

Kenneth Gibson: I do not think that the issue is about people not wanting to work; it is about people feeling that they do not want to work in particular sectors. There are plenty of sectors that I do not want to work in, and I am sure that there are plenty that you do not want to work in.

There are other issues. For example, travel to work is an issue. I have islands in my constituency where there is a very high proportion of elderly people. No matter how much the pay is, there are simply not enough younger people willing to work in the care sector to ensure that we have the provision that is required for the rapidly ageing and increasingly frail population. That is why immigration in the care sector is a necessity. Surely, we need much more flexibility if we are to ensure that such areas are catered for and that frail elderly people get the care that they require.

I will ask one final question, because we are running out of time. The UK Government wants to have a high-wage, high-skilled and high-productivity economy. No one would disagree with that, but is it possible for everyone to have a high wage and a highly skilled job and to be highly productive? If so, when will that be achieved?

Kevin Foster: As you say, none of us aspires to have a sector that is low wage and low skill and that has poor productivity—that would be a bizarre thing to aim for. I just gently say that I am not sure whether many younger people in North Ayrshire would necessarily agree that the reason why they are unemployed is that they are not willing to work in the care sector.

However, I turn to the specific point that has been made. On the challenges and logistics of transport, transport policy is, of course, devolved. Those issues apply to domestic jobseekers and in trying to attract migration to the islands. Obviously, as the member will recognise, there are distinct advantages of island life, including the quality of life there. To reassure you, following a request from a Scottish National Party MP, we are looking at how to incorporate Scots Gaelic into a language requirement of the points-based system.

Again, I go back to the point that attractive packages have to be offered. Just turning to immigration for a minimum wage recruitment will not necessarily solve the problem that is being talked about. In the bill committee, when we looked at suggestions on the migration system, a Scottish MP advanced the suggestion that, given the variation in salary rates between Edinburgh and the Highlands, for example, we could do it by council area. Because of my experience of Argyll and Bute, I pointed out how close parts of it were to Glasgow, and it quickly became an island migration scheme, which just did not seem particularly practical at all.

We will monitor the situation. We will monitor the impacts on the labour market, but I come back to our core points: first, we will do it on a global basis, so we will not have separate EEA and non-EEA schemes anymore; and, secondly, we want to see that employers are making the efforts that they can to get people back into work. I am not prepared to accept the idea that hundreds of people in parts of Scotland are unemployed just because they are not willing to work in the care sector. That is quite a strange argument to put forward at the moment.

On top of that, where there are needs for specific skills that take longer to learn, which is the definition that we look at, we will make sure that there is easy and clear access to those skills. That applies particularly to nursing and medical services, which we know genuinely struggle and where, no matter what an employer tries, there is

a shortage across the UK of people who can be recruited into those roles. We have made it simpler and easier to support the type of care that the people who you mentioned need.

Kenneth Gibson: I think that the minister is well aware that many people do not feel that they have the aptitude or empathy to deal with older people, for example, in care homes. My mother is over 80 and she is in a care home. I know that I could not do that job—I just could not do it, and I am sure that many people feel the same way. It is not just a question of putting square pegs in round holes. You have to be able to attract people who have the right social skills, empathy and affinity with older people. We need people who want to do that job and who enjoy doing it.

The minister is not being realistic. We know fine well that that is the situation. He takes the view that everybody would be happy to do that job, but that is just not the case. We have to look at the issue realistically if we are going to get a long-term solution. The Conservative Government has been in power for 10 years and you are still talking about having to look at the care sector and how we can best move it forward.

Kevin Foster: It is devolved.

Kenneth Gibson: There has been plenty of time to consider how to adequately fund it. I just think that you have been somewhat disingenuous in your answers, minister.

Kevin Foster: The last time that I looked, health and care policy in Scotland was a devolved responsibility. I did not realise that my party had been in government there for the past 10 years. Let us stick with the general flavour of the talk about immigration. We touched earlier on the point that we need a debate about funding south of the border as well.

Has everyone got the skills for care? Probably not. We have seen tragic news coming out of the high street and hospitality industry on the impacts over recent months. There are some people who have great customer service and who can empathise and deal with people, many of whom would have been dealing with older customers as well. It is about supporting them into the care sector. There is a debate to be had about a long-term solution, but that is for the Scottish Government and Scottish Parliament in Scotland and it is for the UK Government in relation to England. However, it is wrong to start by looking at immigration as the solution and the first port of call. I am clear that we want a care industry that offers certain packages and rewards.

We will monitor the situation, and we are going to carry out the review that we promised as part of the immigration bill. However, if we give the impression that our vision for the care industry is

paying low wages and making sure that that can happen via immigration—for whatever reasons we think that that is a good idea—that will not attract people. It will not attract the sort of people with skills and empathy who, as you said, are currently looking after your mum in a care home or who work with my dad in a care home. There is some great care and great service from those who work with them. I want the immigration policy debate to be part of a co-ordinated approach to the issue and not to be seen as the solution to the issue.

Kenneth Gibson: No one said that it has to be low wages, though.

The Convener: We have to move on.

Kenneth Gibson: I understand, convener—apologies.

The Convener: We will move to Gordon Lindhurst, who has been waiting patiently.

Gordon Lindhurst: Constituents in Lothian have raised with me a concern about rising population, in large part due to migration. That is placing huge pressure on already insufficient housing and on healthcare, education and infrastructure. We have already spoken about legal migration, but that is of course only part of the picture.

I do not need to tell you, minister, that immigration is a reserved matter and the key to it is in the UK border control, as there appear to be few effective means of dealing with illegal immigrants internally, unlike in EU countries. What is being done to stop the steady flow of illegal migrants into the UK and to ensure that immigration applications that are not being dealt with quickly and effectively will be dealt with quickly and effectively in the future? What is being done to ensure the actual implementation of the decisions that are taken, rather than their being allowed to be simply ignored?

Kevin Foster: Certainly, it is no surprise to hear that point, because the attractions of living in Lothian are obvious, not just to those in the UK but to those across the world. Within Scotland, there are the sorts of variations in the labour market that we see across the rest of the UK. For example, Lothian has a very strong market and strong attractions, whereas the situation is different in other parts of the country. If you do not sort out the core issues with the economy in those other parts and just grant visas for three years in one area, people might immediately move to another. The potential for abuse of the system is one reason why we are not considering having geographically linked visas. For example, the scheme that was for fresh talent working in Scotland quickly became known in the Home Office as the fresh talent moving to London visa because, sadly, it was

quite easy to do that for people who had one of those visas.

We are clear that the system for dealing with illegal migration is broken. Certainly, with our asylum policies, those with genuine claims are waiting far too long to get decisions while others are abusing the system shamelessly—it is safe to say that people sometimes put in claims that completely contradict a previous claim that they put in. We have pledged to make a major reform of the system so that we can more effectively enforce our migration rules. At the same time, we want to learn the lessons from the past and ensure that we deal with some of the complexity of our migration rules by simplifying them.

10:30

We are looking at what we can do, particularly with France, on illegal crossings of the Channel, and particularly on clandestine entry to the UK, when people take huge risks, which in many cases are facilitated by criminal gangs. We want to tackle that and work harder to drive it down. Within the UK, we want a balance between a compliant environment that makes sure that people who do not have the correct migration status cannot access welfare benefits and public services, and ensuring that those whom we have welcomed here and who are making a valuable contribution to our society can continue to do so.

There is more work to be done. The Home Secretary has made very clear her view on the broken system around immigration enforcement, particularly around serious criminals who we sometimes struggle to remove when they abuse serially some of our protection provisions. We plan to introduce legislation on that through the UK Parliament next year.

Gordon Lindhurst: You are right that Lothian is an attractive place to live and work in. Many people move here and, of course, they are welcome. I am more interested in the difficulties that arise with people who do not come in according to the system, and how Governments and local authorities can seek to plan the things that I talked about, such as infrastructure. You touched on the question of asylum applications, which I think was mentioned earlier with regard to Glasgow. You accept that there has been a difficulty with the length of time taken. In those cases, we are talking about a decision on what the person's status is to be. Can you give us reassurance that that will be properly resourced in the future to ensure fair, speedy and effective resolution of asylum claims so that people know where they are at and what their status is?

Kevin Foster: We need to look at our whole system. Some modernisation is needed through

increasing use of digital systems. I should say that that is not to make decisions; it is to ensure that decision makers can more easily access files, cross-refer and ensure that decisions are taken through. As I say, it is about changing some of the systems.

With serious foreign national offenders, we sometimes have people who have spent quite some time in our prisons and who suddenly remember that they have an asylum claim the day before they leave—that sort of behaviour happens. We allow multiple resubmissions whereby literally contradictory information is put up. Certainly, my colleague Minister Philp would be able to give some quite long examples of that. For example, people have claimed one week that they were Iranian and then said in their next asylum claim that they were potentially Iraqi, which is a pretty fundamental difference in making an asylum claim.

On the other side, we have people waiting too long. There was a good example brought up by a Glasgow MP of a group of people who had been waiting 18 months for their first interview due to the lack of an interpreter in a particular language being found by the contractor that the Home Office uses. We are looking to be more creative and work with communities, which we could have done. That would have been in the interests of both sides: there would have been a speedier decision for those who were making the claim and, for the Home Office, there would have been more effective evidence as a result of interviewing more quickly before people perhaps had the chance to prepare for an interview.

For both sides, there is a common interest in that. We are looking at how we resource that to ensure that we have a fair system, but one that is firm if people try to abuse it. That is the goal. As I say, in the new year, we will look to bring forward legislation in the House of Commons that will set out more clearly the plans for the future and how we aim to achieve those, alongside some of the more procedural things that we can do to improve and speed up the system, because we recognise that some people are waiting too long for a decision.

Christine Grahame: Good morning, minister. I have listened to your evidence and I note that you have had various discussions with various sectors on migration as it impacts in Scotland. You mentioned engagement with MPs, with SNP MPs and with officials. I may have missed it, but I did not hear you mention engagement with Scottish ministers, and particularly with Ben Macpherson, the Minister for Public Finance and Migration. If I missed it, please forgive me, and I hope that you will repeat what you said. Will you advise when and how often there has been engagement with the minister, Ben Macpherson, over this year?

Kevin Foster: The point that I would make on meeting those with ministerial responsibilities in the Scottish Government is that I am happy to meet those who have devolved decision-making powers on the same basis as I meet ministers from the UK Government more widely. The point that we have made is that, where Mr Macpherson comes in, it is in a spokesperson's role, in effect, because there is no devolved decision making around migration.

Most of the letters have been about requests to discuss things that we are fundamentally at odds on and that we are not going to agree on. We are not going to agree to create a border within the United Kingdom for people. It would fundamentally alter how our economy, society and culture operate to have that, particularly on the Great Britain mainland. We are not going to meet to discuss providing an alternative to offering things like rewarding packages for social care workers.

To be clear, I will meet devolved ministers in other contexts. If Fergus Ewing wants a meeting about tourism and the visitor route, I am happy to have a conversation about that. If the Minister for Business, Fair Work and Skills wants to talk to me about how a migration system can provide support for the skills objectives and policies that the Scottish Government wants to bring forward, I am happy to do that. If the communities ministers and Ben Macpherson want to come and have a chat about the British nationals overseas route, the major route to settlement that we will launch in January and how we can ensure that many people see the opportunity that Scotland presents to them, I am happy to do that and I will put the kettle on for them.

Christine Grahame: I am glad that you will put the kettle on. I hope that you will have scones as well. However, you have had no meetings with Ben Macpherson in 2020. Is that correct?

Kevin Foster: We have not met Mr Macpherson.

Christine Grahame: Does he ask for meetings?

Kevin Foster: He has sent letters asking for meetings on subjects and we have provided replies. As I said, if there is a request for a meeting to discuss a border within the UK, I obviously have a clear view on that and it is not one that I am going to change.

Christine Grahame: I do not expect you to change that, but I want to clarify why there have been no meetings. It is perfect to go round the various agencies and sectors—there is no problem with that. However, from my point of view, it is a bit disrespectful not to meet up with the minister for migration in Scotland to touch on other areas. Is it because he wanted to discuss only

issues such as a border and so on? Was it the agenda that put you off? What is the reason?

Kevin Foster: What we have said is that I am happy to meet ministers with devolved powers. I meet the political spokesperson for the SNP at Westminster very regularly and I hear a range of views and opinions. However, in terms of a political spokesperson from the devolved Administration, I hear those views regularly from the SNP spokesperson at a national level—*[Interruption.]* I apologise for my domestic phone ringing.

We feel that, as I am the UK's migration minister and responsible for policy across the whole of the UK, it is right that we engage directly with Scottish stakeholders. I have given quite a number of examples of where we have made changes, because some of the suggestions that have been made in Scotland make eminent sense for the rest of the UK as well.

Christine Grahame: Have you had requests from other ministers in the Scottish Government to discuss their portfolios?

Kevin Foster: Not directly, but I am happy to receive them.

Christine Grahame: I will get back to my colleagues and get them to send a whole flurry of letters to you, perhaps with Christmas cards. We will see whether they can have meetings with you.

Kevin Foster: That would be fantastic. I will look forward to that. In my previous briefs and roles, I regularly engaged with, certainly, the Welsh Government when I was in the Wales Office. I met Graeme Dey while I was Minister for the Constitution, and Mike Russell dropped in as well. Obviously, we have very different views on the constitutional future, but we had some conversations.

What we would say—by the way, I say exactly the same to colleagues at Westminster—is that immigration policy needs to be discussed in the context of wider policies. We cannot sit and discuss migration separately—for example, hearing a view on how many we should resettle and then not getting offers from the local authorities and from housing to do that.

You have heard some examples of meetings that I would be happy to agree to. We have the BNO route coming up, if the communities ministers and Ben Macpherson want to come and talk about that, but if he just wants to talk about migration rules in isolation to the decision making of the Scottish Government, that is not going to be the most productive discussion.

Christine Grahame: Forgive me, Mr Foster, but nobody thinks that migration is in a silo.

Kevin Foster: I have to say that, sometimes, sadly, I get such letters, although not just from figures in Scotland. I had one about the migration bill that urged the UK Government to do more resettlement. At the time, we had just put out an appeal for more resettlement places for unaccompanied asylum-seeking children and for our main resettlement scheme, but, sadly, we had not received the type of replies that the policy statements indicated that we should have expected.

Christine Grahame: I am encouraged that, if our ministers get in touch with you on areas of their portfolios on which migration impacts, bridges will be built.

Kevin Foster: If, for example, Jeane Freeman wants to come and have a chat with me about the health and care visa, I will be happy to see her.

Christine Grahame: Thank you.

The Convener: I have a brief supplementary question, following Christine Grahame's line of questioning. I have in front of me a joint letter from Ben Macpherson and Jeremy Miles MS, who is his counterpart in Wales. In the letter, which is dated 1 December, they reiterate an urgent request for a meeting between all four nations of the UK to discuss migration policy ahead of 1 January. They point out that there was a round-table meeting with your predecessor, the Rt Hon Caroline Nokes MP. Are you going to accede to that request from Wales and Scotland?

Kevin Foster: We will respond to them. We do not plan to reconvene the previous round table, as it focused purely on migration. As I touched on, I am happy to have discussions that are focused on how migration fits in with other policy areas.

The Convener: Ben Macpherson has spoken about this in the Parliament, and he said that, notwithstanding his political differences with Caroline Nokes, she engaged with him, but you have not. Has there been a change of policy in the UK Government such that you are no longer going to engage with our migration minister?

Kevin Foster: What we have said is that we continue to engage with the devolved Administrations. We have touched on a range of work that we do at a technical level, and I am probably one of the most regular correspondents with the First Ministers on issues, given the changes that we are making and the notifications that we give.

We are clear that, when we engage on migration policy, we will engage across the whole of the United Kingdom, including with political spokespersons. The Scottish National Party's Stewart McDonald is one of the most active, to be fair. He has been very constructive in some of the

points that he makes, and we have found that very useful engagement.

Where engagement involves the devolved Administrations expressing political views on migration rather than, for example, the Scottish Cabinet Secretary for Health and Sport engaging directly, or the housing minister, who will make decisions on offers to us in relation to resettlement, it is a bit odd to hear opinions in one sense and then get offers that may not necessarily follow through. However, that is where we are.

We are not planning to reconvene the four-nations round tables that happened under the May Administration. We found that they did not result in the most constructive outcomes overall. They also saw stakeholders being encouraged to think that they should not engage directly with the UK Government. We think that people should do that, as it has been of benefit to the whole system, particularly with the changes that we have brought in. We responded to some of the requests that were made, including in previous committees, by saying, "Good idea—let's put this across the whole of the UK", and they came directly from stakeholders in Scotland.

I have made clear the type of offers that I am prepared to accept, and I adopt exactly the same approach in relation to other departments at Westminster.

The Convener: That seems to be a change of policy or a change of approach, but thank you for the clarity on that.

We are pleased by your generosity with your time. We have gone over our expected time. I thank you and your officials for coming to give evidence to us today.

Kevin Foster: I am very happy to come back in the future.

The Convener: Thank you.

10:44

Meeting continued in private until 12:13.

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

All documents are available on
the Scottish Parliament website at:

www.parliament.scot

Information on non-endorsed print suppliers
is available here:

www.parliament.scot/documents

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: sp.info@parliament.scot



The Scottish Parliament
Pàrlamaid na h-Alba